IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 1257 of 1995

Between:

Dr.S.R.Palanisamy S/o.s.P.Ramasamy gounder
D.no.27/1-1046 Swamidas Convent Road
Balaji Nagar, Nellore - 524 002

..... PETITIONER

AND

1 Dist. Collector, Nellore
2 Mandal Revenue Officer Indukurpet (M), Nellore Dist.
3 Seamen Aqua Limited Krishna Puram Village, Mypadu Post,
Indukurpet Mandal Nellore dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus directing the respondents 1 & 2 to cancel alienation made in favour of 3rd respondent of the land comprised in Survey Nos.644, 645, 646 & 621/1 as the same being in iolative of act 9/77 and further restrain the 3rd respondent from constructing Water Feeder, Chanel across the 'cart-track' situate in the aforesaid survey numbers and pass

Counsel for the Petitioner: MR.S.R.ASHOK

Counsel for respondents 1 & 2 : G. P. for Revenue

Counsel for the Respondent No.3 : MR.G.MANOHAR

The Court made the following :

ORAL ORDER

The petitioner, seeing a writ of mandamus, filed this writ petition to direct the respondents 1 & 2 to cancel the alienation made in favour of the 3rd respondent in respect of the lands in Sy. Nos. 644, 645, 646 and 621/1 of Krishnapur village h/o Mypadu, Indukurupet Mandal as the same being in violation of the Act 9/77 and to further restrain the 3rd respondent from constructing water feeder channel across the cart-track situated in the aforesaid survey numbers.

The case of the petitioner is that he purchased land to an extent of Ac.15.31 in Sy. No. 622/2 of said village and he is sowing groundnut in the said land and that the only approach to the land from the village is the existing cart-track situated in S.Nos. 647, 646, 645 and 622/1 of the said village and that from the land situated in Sy. No. 622/1, he took a detour on the southern side to enter into his land. He further submits that the existing cart-track is situated in the land surrendered by surplus land holders towards surplus land under A.P. Land Reforms Agricultural Ceiling on Agricultural Holdings Act, 1973. Since taking detour around survey No. 622/1 has been causing inconvenience and hardship, he requested the respondents to provide a cart track from West to East on the Northern side of the land in S.No. 622/1 of Mypadu village. It is his further case that the land owners in Sy. Nos 641, 642 and 643 of Mypadu village proposed to lift Bay of Bengal water into their lands by constructing

water feeder channels across detour for the purpose of acqua culture and the said channel for conveying water has to run from East to West across the existing cart-track in Sy. No. 645 and 646 causing hindrance to the movement of persons and vehicles. He submits that since the said lands have been assigned to the landless poor persons, the assignees have no right of alienation by sale or mortgage. He submits that he came to know that the owners of the land in Sy. No. 641, 642 and 643 have purchased the assigned lands situated in Sy. Nos. 644, 645, 646 and 621/1 for the purpose of carrying on acqua culture by laying pipe lines and therefore, on that ground the alienation made in favour of the third respondent is liable to be nullified and the lands are liable to be resumed to the legitimate assignees. It is his grievance that the third respondent has no right to construct the water feeder channel across the cart-track and the inaction of the respondents 1 and 2 in cancelling the alienations made in favour of the third respondent by the assignees of the above said lands is illegal and arbitrary. It is his further grievance that if the cart-track is obstructed by way of constructing a water feeder channel, it would be impossible for him to reach his lands. Hence the present writ petition.

Heard the learned counsel for the petitioner.

It is to be observed from the material papers annexed to the writ petition that the petitioner has submitted a representation to the First respondent on 21.10.1994 requesting to enable him to reach his land in Sy. No. 622/2 through the land in Sy. No. 622/1 covered under the Land Ceiling Act for cultivation and transport of the produce through the land taken over by the Government and that the said representation is still pending consideration.

Therefore, in the light of the representation made by the petitioner which is pending before the first respondent for consideration, it would be suffice, in the interests of justice, if a direction is given to the first respondent to dispose of the representation of the petitioner in accordance with law, within a period of eight weeks from the date of

receipt of a copy of this order, if not already disposed of.

With the above observation, the writ petition is disposed of. No costs.

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kvsn 26-08-2004

To

1 Dist. Collector, Nellore
2 Mandal Revenue Officer Indukurpet (M), Nellore Dist.
3 Seamen Aqua Limited Krishna Puram Village, Mypadu Post,
Indukurpet Mandal Nellore dist.

4 Copy to the G.P. for Revenue, High Court bldgs, Hyderabad

5. Two C D copies.